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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO

| | | |
|--|---|---------------------------------------|
| MICHAEL FULLER, |) | Case No. 2:05-CV-00849-FCD-DAD |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | JOINT STIPULATION REGARDING |
| |) | EXTENSION OF HEARING DEADLINE; |
| WALMART, a California Corporation, and |) | ORDER |
| DOES 1-20, inclusive, |) | |
| |) | “AS MODIFIED” |
| Defendants. |) | |

TO THE COURT:

Plaintiff Michael Fuller by and through his counsel of record, Jesse S. Ortiz III, and defendant Wal-Mart Stores, Inc. by and through its counsel of record, Kristin L. Oliveira, herein agree and stipulate to a brief continuance of the Court-ordered hearing deadline for the Court to hear all Dispositive Motions from its current date of June 19, 2006 to **July 7, 2006** and respectfully request the Court order same. Aware of the pending Dispositive Motion deadline, the parties jointly submit this Stipulation to seek additional time to engage in settlement discussions before incurring costly litigation expenses.

1 The parties state that GOOD CAUSE exists to continue the Dispositive Motion hearing
2 deadline in view of the following circumstances. The parties were previously referred to the
3 Court's Voluntary Dispute Resolution Process. Thereafter, the parties made efforts to schedule
4 an Early Neutral Evaluation session, but were forced to continue the ENE until April 5, 2006 due
5 to the trial conflicts of plaintiff's counsel and unavailability of the assigned neutral. On April 5,
6 2006, the parties participated in VDRP, but were unable to resolve the matter at that time.

7 On February 24, 2006, the parties stipulated to extend the discovery deadline in order to
8 reserve the right to seek discovery after the ENE session then scheduled for March 15, 2006.
9 The Court granted the parties' request on February 27, 2006 and ordered discovery to be
10 completed by April 17, 2006. At the same time, on its own accord, the Court re-set the last day
11 for hearings on Dispositive Motions to June 16, 2006, and continued the Final Pretrial
12 Conference to August 18, 2006 and the Jury Trial to October 24, 2006.

13 Following receipt of the Court's Order on February 27, the parties were forced to
14 continue the ENE session from March 15, 2006 to April 5, 2006 as counsel for plaintiff was in
15 trial on another action. Since the ENE session on April 5, the parties have discussed a possible
16 informal resolution to this action without requiring the Court conduct a Jury Trial; they
17 anticipate being able to conclude negotiations in the next three to four weeks. If defendant is
18 required to file a Dispositive Motion for the Court's consideration by the current deadline of
19 June 16, 2006, however, such filing will surely end all meaningful settlement discussions
20 between the parties.

21 Accordingly, the parties stipulate and respectfully request the Court grant a brief
22 extension of time to July 7, 2006 for the Court to hear all Dispositive Motions. The parties make
23 this request in good faith to further judicial efficiency and reduce the unnecessary waste of the
24 Court's time. In addition, the parties do not believe that this continuance for the Court to hear
25 Dispositive Motions will require the Court to continue the Pre-Trial Conference on August 18,
26 2006.

27 It is so stipulated by and between the parties through their counsel of record.

28 ///

1 Dated: May 9, 2006

/s/

2 _____
Jesse S. Ortiz, III
3 Attorney for Plaintiff

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5 Dated: May 9, 2006

/s/

6 _____
Kristin L. Oliveira
7 Attorneys for Defendant
WAL-MART STORES, INC.

8
9 **ORDER**

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11 Pursuant to the stipulation, the court modifies its scheduling order of February 27, 2006
12 and orders that the last day for dispositive motions to be heard is July 7, 2006. In light of this
13 extension conflicts now exist with the court's calendar and the remaining dates as set.

14 Accordingly, the following dates are hereby RESET: final pretrial conference is set for
15 September 22, 2006 at 1:30 p.m. with the Joint pretrial statement due on September 15, 2006.
16 The jury trial is set for December 5, 2006 at 9:00 a.m.

17
18 DATED: May 12, 2006

/s/ Frank C. Damrell Jr.
Honorable Frank C. Damrell, Jr.
19 UNITED STATES DISTRICT COURT
20 JUDGE